

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

HRH EMERE GODWIN BEBE OKPABI;  
EMERE FORTUNE OLAKA OBE;  
EMERE AKE OLUKA;  
HONOURABLE PRINCEWILL AKE IGWE;  
HONOURABLE DANDYSON NGAWALA;  
CHIEF LAWRENCE OSARO OYOR, for themselves  
and on behalf of the People of Ogale in Eleme Local  
Government, Rivers state,

Case No. 11-14572

Plaintiffs,

v.

ROYAL DUTCH SHELL, PLC;  
SHELL PETROLEUM DEVELOPMENT  
COMPANY (NIG) LTD,

Defendants.

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**NOTICE OF VOLUNTARY DISMISSAL BY ALL PLAINTIFFS  
PURSUANT TO FED.R.CIV.P. RULE 41 (a)(1)**

NOW COMES Plaintiffs, HRH EMERE GODWIN BEBE OKPABI, EMERE  
FORTUNE OLAKA OBE, EMERE AKE OLUKA, HONOURABLE PRINCEWILL AKE  
IGWE, HONOURABLE DANDYSON NGAWALA, and CHIEF LAWRENCE OSARO

OYOR, for themselves and on behalf of the People of Ogale in Eleme Local Government, Rivers State, by and through their attorneys, BENJAMIN WHITFIELD, JR. & ASSOCIATES, P.C., by Benjamin Whitfield, Jr., and by JURIS INTERNATIONAL, by Kayode O. Oladele, and for their Notice of Voluntary Dismissal, hereby voluntarily dismisses their claims against all Defendants without prejudice, pursuant to Federal Rule of Civil Procedure 41 (a)(1) and as more fully stated in the following Brief.

Respectfully submitted,

/s/Benjamin Whitfield, Jr.

Benjamin Whitfield, Jr.

Benjamin Whitfield, Jr. & Assoc., P.C.

Attorneys for Plaintiffs

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/s/Kayode Oladele

Kayode O. Oladele

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Dated: March 26, 2012

**BRIEF IN SUPPORT OF PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL BY  
ALL PLAINTIFFS WITHOUT PREJUDICE, PURSUANT TO  
FED.R.CIV.P. RULE 41 (a)(1)**

Under Fed.R.Civ.P. Rule 41 (a), a lawsuit can be voluntarily dismissed by the plaintiff or by court order. Rule 41 (a)(1) allows the plaintiff to file a Notice of Dismissal, terminating the action. The notice must be submitted to the court and served on the defendant before the defendant files an answer or summary judgment motion.

The reasons for Plaintiffs' withdrawal of this action are more articulated in the attached letter by Plaintiffs to their undersigned attorneys, dated March 23, 2012 (**Exhibit A**, March 23, 2012 Letter from Plaintiffs to their Attorneys), instructing the undersigned counsels to withdraw the instant cause of action from the Court's docket, based on the decision of the US Supreme Court to order re-briefing in *Kiobel v. Royal Dutch Petroleum Co.*, 10-1491, U.S. Supreme Court (Washington, DC).

The Supreme Court has ordered the parties in *Kiobel* to re-brief on "whether and under what circumstances the Alien Tort Statute, 28 U.S.C. §1350, allows courts to recognize a cause of action for violations of the law of nations occurring within the territory of a sovereign other than the United States." This, according to Plaintiffs, will result in a greater delay than first anticipated by them.

While a decision in *Kiobel* was originally contemplated in June 2012, it now appears there will be no decision until early 2013. Even if this Honorable Court assumes personal jurisdiction in this case, the Court may still stay the matter until the Supreme Court makes its ruling in *Kiobel* because Plaintiffs' case is intrinsically connected with *Kiobel* on subject-matter jurisdiction of the Court in relation to their Alien Tort Statute claims Defendants. As a result, Plaintiffs' case may sit idly on the Court's docket for the greater part of this year and early next.

The Federal Rules of Civil Procedure, Rule 41 (a)(1), permits voluntary dismissal where no Answer or motion for summary judgment by an adverse party has been filed in a case. In this action, the Defendants have neither filed an Answer to Plaintiffs Complaint nor filed a Motion for Summary Judgment, apart from their Motion to Dismiss under Rule 12(b) of the Federal Rules of Civil Procedure.

WHEREFORE, Plaintiffs hereby voluntarily dismiss their claims against Defendants without prejudice.

Respectfully submitted,

/s/Benjamin Whitfield, Jr.  
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Dated: March 26, 2012

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to the following: BONNIE L. MAYFIELD, ESQ., Dykema Gossett, 39577 Woodward Avenue, Suite 300, Bloomfield Hills, MI 48304-2820, (248) 203-0851 voice, [bmayfield@dykema.com](mailto:bmayfield@dykema.com).

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Dated: March 26, 2012